

ARTICLE APPEARED
ON PAGE 29THE NEW YORK TIMES
6 June 1977

Inside Justice's Politics

ESSAY

By William Safire

WASHINGTON—Political maneuvering inside the Justice Department is getting fierce. Saddened professionals sketch this outline:

"Attorney General Griffin Bell is obsessed with what lawsuits might follow him into private life. The recent indictment of an F.B.I. official makes lawmen more vulnerable to civil suits, and Mr. Bell has grumped to aides more than once that 'My law partners are not going to be happy with me being deposed all the time.'"

Accordingly, the Attorney General is thinking of making this threat to Congress: Unless legislative guidelines are drawn to show what crime prevention is permissible, he will not permit F.B.I. agents to take any action until after the commission of a crime.

Ordinarily, the Deputy Attorney General would move into the policy-making area deserted by a top man busy with protecting his future. But Pittsburgh pol Peter Flaherty has problems of his own: In promoting the easy-fraud voting bill, he told the Senate he had "never seen" a memo from Justice Department professionals showing how same-day registration was an invitation to fraud. Several staffers saw that memo on his desk, and Mr. Flaherty is aware that a previous Justice official was prosecuted for deliberately deceiving the Senate. He is now totally ineffectual.

Into this vacuum has rushed Vice President Walter Mondale, who set up an ad hoc committee of four like-minded prosecutors to direct Justice Department policy. They are Henry Ruth, Charles Ruff, Henry Dogin and Charles Rogovin.

This group, developed the laudable Justice Department position on warrantless wiretapping, but could not act like liberal Democrats in

ignoring the opinion of professional lawmen on same-day, easy-fraud voter registration.

Attorney General Bell is not happy with the takeover of department policy by Mr. Mondale's "gang of four." His legislative and civil division chiefs, Patricia Wald and Barbara Babcock, are not adept at defending their bureaucratic turf, which leaves criminal division chief Benjamin Civiletti to be the heavyweight at Justice.

Mr. Civiletti, the Baltimore fundraiser for Senator Paul Sarbanes who was put in place by Carter intimate Charles Kirbo, is at least a tough-minded lawyer with much courtroom experience. Mr. Bell hopes that he will take charge of the tar baby of intelligence-agency prosecutions.

Strangely, the Justice Department has gone in two directions on this. The C.I.A. was given to the Criminal division and no indictments were handed up on Richard Helms and James Angleton; but the F.B.I. was given to the Civil Rights division, which went ahead and indicted its first target. That double standard is so patently unjust that Mr. Civiletti will soon have to decide whether to go easy on the F.B.I. or to crack down (as the Mondale faction wants) on the C.I.A.

With the Criminal Division chief spread so thin, what happens to the snail-paced grand jury investigating the corruption of Congressmen by the Korean lobbyists. My sources insist the floundering-about of public integrity section chief Tom Henderson, is

the result of professional ineptitude and not political venality.

The informal Mondale group is curiously neutral about the House corruption investigation. The Senate Select Intelligence Committee, on which Senator Mondale served so well, somehow failed to discover the C.I.A.'s knowledge of the K.C.I.A.'s bribery of congressmen, and the special prosecution force headed by Messrs Ruth and Ruff has assiduously looked the other way.

This dismays the professionals down the line at Justice, who are embarrassed at having to gather evidence by clipping the reports of Richard Halloran of The New York Times, or hearing through the grapevine that the House Ethics Committee is learning that Governor Edwin Edwards of Louisiana has just implicated his former staffer, Congressman John Breau.

It's going to get more embarrassing. This week, the Ethics Committee will finally vote on asking its own members and the rest of the House to state what largesse they have received from foreign governments. (If counsel Philip Lacovara cannot get at least this, he ought to stop lending his name to what would then be a blatant coverup.)

When that long-overdue first step is taken, some of the gaping holes in the lackadaisical Justice Department investigation will appear. Worse, Justice politicians will be put on the spot. Will the department then demand that the C.I.A. cough up the evidence of congressional bribery gathered by supersurreptitious means?

The professionals are right to be upset. There may be or may not be a rough justice to politics, but in this administration, there is surely rough politics in Justice.